

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF RHODE ISLAND, et al.,

Plaintiffs,

v.

C.A. No.:

DONALD J. TRUMP, et al.,

Defendants.

DECLARATION OF BERNARD FISHMAN

Pursuant to 28 U.S.C. § 1746, I, Bernard Fishman, hereby declare as follows:

1. I am a resident of Maine. I am over the age of 18 and have personal knowledge of all the facts stated herein, except as to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. In 2012 I was appointed as the Museum Director of the Maine State Museum.

3. The Maine State Museum is responsible for developing and maintaining substantial collections of original material related to the history, archaeology, and biology of the state of Maine and related areas, and uses these collections, and certain borrowed collections, to develop public exhibits, educational presentations, publications, and research presenting or interpreting these aspects of Maine's historical and environmental heritage to the public.

4. As Museum Director, I am ultimately responsible for directing and approving the fund-raising efforts of the Maine State Museum, which include the writing of grant applications, sharing in the writing of such applications, editing or revising grant applications, and approving

the development and submission of grant applications to relevant entities, including departments or agencies of the federal government which offer grant programs.

5. I submit this declaration in connection with Executive Order 14,238, “Continuing the Reduction of the Federal Bureaucracy,” which directed seven federal agencies, including the Institute of Museum and Library Services (“IMLS”), to eliminate any non-statutory components and functions to the maximum extent consistent with applicable law, and to reduce the performance of any statutory functions and associate personnel to the minimum presence and function required by law.

6. It is my understanding that in response to Executive Order 14,238, the Maine State Museum may lose access to a grant award (MA253190-OMS-23) from the IMLS, which is vital to the installation of the ‘Meet Maine Here’ exhibit intended to be a central component of the displays which the museum will shortly install in the ‘Cultural Building,’ a major facility in Maine’s state capital of Augusta. In addition to bearing a substantial part of the cost of building and installing this exhibit, the awarded IMLS funding, if withdrawn, will eliminate the hiring of an exhibit preparator and of a firm intended to analyze public reaction to the installed exhibit.

7. Given my experience, I believe that Executive Order 14,238, and the actions taken to reduce the agency, will gut IMLS and cause it to be unable to administer financial awards and/or programs on which Maine relies and on which it expects to rely in the future, causing significant harm to the Maine State Museum and other state agencies.

The Museum and Library Services Act

8. In 1996, Congress enacted the Museum and Library Services Act, 20 U.S.C. § 9101 *et seq.*, which is a federal funding statute that provides funding to help support museums across the United States. IMLS, which administers the Museum and Library Services Act, is authorized

to provide federal funding to museums in the form of grants, cooperative agreements, and other forms of assistance. 20 U.S.C. § 9173(a). IMLS is also authorized to provide federal funding to state governments to administer to museums. *Id.*

9. A “museum” is a “public, tribal, or private nonprofit agency or institution organized on a permanent basis for essentially educational, cultural heritage, or aesthetic purposes, that utilizes a professional staff, own or utilizes tangible objects, cares for tangible objects, and exhibits the tangible objects to the public on a regular basis.” 20 U.S.C. § 9172(1).

10. Section 9173(a) provides that IMLS may enter into agreements to pay the federal share of the cost of:

(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

(2) supporting museums in providing learning partnerships with the Nation’s schools, including tribal schools, and developing museum resources, capabilities, and programs in support of State and local efforts to offer a well-rounded educational experience to all students; and

(3) supporting the conservation and preservation of museum collections, including efforts to: provide optimal conditions for storage, exhibition, and use; prepare for and respond to disasters and emergency situations; establish endowments for conservation; curate, stabilize, and organize object-related information; and train museum staff in collections care.

11. In the past, the Maine State Museum has received the following sources of funding from IMLS:

a. The Maine State Museum received \$ 85,397 through a 2016 IMLS grant.

b. The Maine State Museum received \$ 39,485 through a 2009 IMLS grant.

12. These funds have been used for essential collection-related surveys and planning, often in conjunction with other collecting institutions, collections assessments and object

conservation, and exhibit research, planning and implementation. These grants have enabled the hiring of project-related employees, consultants, and the purchase of construction materials. Each of these grants has been an essential part of the museum's work of preserving and making accessible the material and environmental heritage of Maine.

13. The Maine State Museum has relied on a grant of \$244,375 this year for the construction and installation of the 'Meet Maine Here' exhibit and the hiring of an exhibit preparator and an audience consultant service, based on the anticipated receipt of promised federal funding.

14. The Maine State Museum would expect to seek from the IMLS future funding for certain future exhibits and the future assessment and care of important historical and biological collections, including the purchase of needed preservation-related equipment or services.

15. Any pause in our federal funding would cast into doubt the Maine State Museum's ability to complete its exhibit installation as planned and would undoubtedly add damaging delays to the re-opening schedule of the museum. The museum's exhibits have been closed for four years as a result of the renovation of its main building, and official and public expectation is high that the museum can re-open in 2026; but the loss of IMLS funding would certainly delay and compromise this schedule.

16. Loss of IMLS funding would result in the Maine State Museum being unable to purchase the supplies and construction services necessary for the installation of this essential exhibit and would interrupt all the museum's re-opening plans. The potential loss of this funding has already affected staff morale negatively, resulting in an unusually high number of staff visits to the museum director, seeking reassurance and support.

17. The Maine State Museum has in living memory properly discharged the grants it has received from all sources, including federal ones. The museum, for instance, received a matching-funds grant from the National Endowment for the Humanities, for \$95,000, in connection with the raising of money for a new Education Center for students and families to be built within the re-opened museum. COVID required an extension of the period needed to achieve the full satisfaction of the grant terms, but they were met and the museum received the needed funds.

18. In the next 16 months the Maine State Museum is scheduled to receive disbursements/reimbursements of \$244,375 under our current Federal awards. These funds have been awarded by the IMLS for the 'Meet Maine Here' exhibit mentioned above. Because the museum has not yet moved into the renovated Cultural Building (that move is anticipated to occur during April-June of 2025), the museum has not yet been able to begin construction of the exhibit and seek reimbursement for funds spent from the award.

19. If we do not receive such disbursements/reimbursements, it will result in a damaging inability to complete the exhibit as planned and also a delay in the museum's re-opening.

20. The elimination or delay in this funding will adversely affect informal education in Maine, especially among the 15,000 students that typically visit the museum each year. Many of these students are from rural areas and receive during their schooling no other exposure to major history/natural history museums and their exhibits beyond what they experience at the Maine State Museum. As mentioned above, the loss of this grant will wreak a severe setback to the museum's ability to install this major exhibit and to the museum's ability to open to the public as scheduled. The loss of this funding will damage the museum's credibility with the people and government of

Maine, and will diminish support for the exhibit and demoralize the museum's staff. If the museum loses this funding, it will be the museum's greatest reverse in over 40 years.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct. Executed on March 25, 2025, at Augusta, Maine.

/s/ Bernard Fishman
Museum Director, Maine State Museum